

DATE

Mr. Ethan P. Arbuckle,
Attorney at Law, LLC
671 Hwy. 171, Suite L
Stonewall, Louisiana 71078

Mr. Rhys E. Burgess,
Attorney at Law, LLC
671 Hwy. 171, Suite L
Stonewall, Louisiana 71078

**Re: Ethics Board Docket No. 2021-720
Advisory Opinion**

Dear Messrs. Arbuckle and Burgess:

The Louisiana Board of Ethics (“Board”), at its November 5, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics (“Code”) would prohibit you from entering into an agreement with Sevy Title, LLC to provide loan closing and title services.

FACTS PROVIDED

You are both practicing attorneys with general civil practices in DeSoto Parish (where you share office space), in addition to serving as assistant district attorneys in DeSoto Parish. You have been contacted by Sevy Title, LLC, a title company owned and operated by Bridget Verret (as her separate property) and located in Bossier Parish. Mrs. Verrett has requested that your office(s) facilitate all closings of loan/title work Sevy Title, LLC conducts in DeSoto Parish in exchange for a split of the closing fees. Mrs. Verrett’s husband is a criminal defense attorney in Bossier Parish, who also handles some criminal matters in DeSoto Parish. Sevy Title, LLC does not have a contractual, business, or financial relationship with the DeSoto Parish District Attorney’s Office, or anything pending before the DeSoto Parish District Attorney’s Office.

LAW

La. R.S. 42:1102(20.1) defines “service” to mean the performance of work, duties, responsibilities, or the leasing, rental, or sale of movable or immovable property.

La. R.S. 42:1111(C)(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant’s agency; conducts operations or activities which are regulated by the public employee’s agency; or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee’s official duty.

ANALYSIS

La. R.S. 42:1111C(2)(d) prohibits a public servant and any legal entity in which the public servant owns more than twenty-five percent or exercises control from receiving any thing of economic value for services rendered or to be rendered for any person from whom the public servant would be prohibited from receiving gifts in accordance with La. R.S. 42:1115(A)(1) or (B). Sevy Title, LLC does not have a contractual, business, or other financial relationship with your agency – the DeSoto Parish District Attorney’s Office. Additionally, Sevy Title, LLC does not conduct activities regulated by the DeSoto Parish District Attorney’s Office. Lastly, Sevy Title, LLC does not have substantial economic interests which may be substantially affected by the performance or nonperformance of either of your official duties.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code does not prohibit you from entering into an agreement with Sevy Title, LLC., since it does not have any relationship with your agency, the DeSoto Parish District Attorney’s Office.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board